

REMARKS/ARGUMENTS

Claims 58, 62-81, 128, 132-141, 143, 144, 146-150 and 154-173 are amended. Claims 59-61, 82-127, 129-131, 145, 151-153 are canceled. Claims 174-194 are added. Claims 58, 62-81, 128, 132-144, 146-150, and 154-194 are pending.

Claims 58-175 are rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent 5,363,483 to Jones et al. ("Jones"). Reconsideration of the application in light of the amendments above and remarks below is respectfully requested.

The Applicant wishes to thank the Examiner for the courtesy of an interview on January 12, 2005. During the interview, the inventor, a representative of the party in interest and the undersigned counsel of record discussed the pending claims and the applicability of Jones and of software programs in general to the claimed inventions. After the inventor explained some of the goals of the claimed invention, as set forth in the specification, the examiner appeared to agree that this methodology was not taught by the prior art. However, the examiner questioned the meaning of certain terms in the claims. In response, it was pointed out to the examiner that many of the claim terms, such as the word "instance," were used in the specification and thus had a range of meaning which was informed by the use of those words in the specification. Notwithstanding this, the examiner still felt that certain claim terms, such as the word "circumstance," remained unclear in his mind, and that some claim amendments along the lines provided herein would make the language more clear for the Examiner.

Claims 58-175 are rejected under 35 U.S.C. §102 as being anticipated by Jones. While the Applicant believes that the pending claims were patentable over Jones without amendment,

independent claims 58, 128 and 150 are amended to satisfy some of the Examiner's clarity concerns above.

Among the limitations of independent claim 58, which are neither shown nor suggested in Jones are:

producing a second instance of digital information. .

.the second instance of digital information including the functional data and the parameter setting, the producing being in response to a copying or purchasing event for the digital information;

changing the parameter setting in the second digital information instance, the changing being determined using parameter setting change data and being linked to the copying or purchasing event.

Similarly, among the limitations of independent claim 128, which are neither shown nor suggested in Jones are:

produce a second instance of digital information based on the first instance, the second instance of digital information including the functional data and the parameter setting, the producing being in response to a copying or purchasing event for the digital information;

change the parameter setting in the second digital information instance, the changing being determined using

parameter setting change data and being linked to the copying or purchasing event.

Among the limitations of independent claim 150, which are neither shown nor suggested in Jones are:

producing a second instance of digital information. .
.the second instance of digital information including the functional data and the parameter setting, the producing being in response to a copying or purchasing event for the digital information; and
means for changing the parameter setting in the second digital information instance, the changing being determined using parameter setting change data and being linked to the copying or purchasing event.

It is not clear what structure in Jones that the Office Action believes corresponds to the claimed instance though it appears that the Office Action may be pointing to bit masks 56-62 or some instance relating to the display of information on device 12. However, no where in Jones is there a changing of a setting linked to a copying or purchasing event – as is claimed in independent claims 58, 128 and 150. Jones does state “events often occur during processing that cause the display of information on device 12 to change.” Column 6, lines 20-22. These events are “the display and subsequent removal of an item of information 77 that obscures one or more objects A-E” (Column 6, lines 25-27) and “a change in the display of one or more objects A-E”

(Column 6, lines 30-33). Yet, there is no discussion in Jones of copying or purchasing nor of changing a setting linked to copying or purchasing – as claimed.

Therefore, it is asserted that independent claims 58, 128 and 150 are patentable over Jones. Claims 62-81, 132-144, 146-149, 154, and 155-173 include the above referenced limitation of claims 58, 128 and 150 respectively, and include additional recitations which, when combined with the limitations of 58, 128 and 150 are also neither disclosed nor suggested in Jones. It is asserted that these claims are patentable as well.

New independent claim 174, and dependent claims 175-194 are added and recite changing a setting in response to a purchase. Such functioning is similarly not shown in Jones.

Reconsideration of the rejection of claims 58, 62-81, 128, 132-144, 146-150, 154, and 155-173 under 35 U.S.C. §102 is respectfully requested in light of the amendments and remarks above.

Respectfully submitted,

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